

COUNSEL LISTED ON SIGNATURE PAGES

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

THE REGENTS OF THE UNIVERSITY
OF CALIFORNIA, ABBOTT
MOLECULAR INC., and ABBOTT
LABORATORIES INC.,

Plaintiffs,

v.

DAKO NORTH AMERICA, INC. and
DAKO DENMARK A/S,

Defendants.

Case No. C 05-03955 MHP

**STIPULATION AND STATUS REPORT;
~~[PROPOSED]~~ ORDER**

Judge: Marilyn Hall Patel

AND RELATED COUNTERCLAIMS

Pursuant to the Court's May 22, 2009, Order Vacating Trial Date and June 19, 2009, Stipulation and Order, plaintiffs The Regents of the University of California, Abbott Molecular Inc. and Abbott Laboratories Inc. and defendants Dako North America, Inc. and Dako Denmark A/S ("Defendants"), (collectively "the parties") hereby, through their respective counsel, provide the following status report to the Court:

WHEREAS, the parties are continuing negotiations to finalize and execute a formal Settlement Agreement, including a dismissal of the above-entitled action pursuant to the parties'

1 May 21, 2009, binding Memorandum of Understanding resolving the claims and counterclaims in
2 the above-entitled action;

3 WHEREAS, the parties expect the Settlement Agreement, including a dismissal of this
4 action, to be finalized shortly, but not before the July 10, 2009, date set forth in the Court's June 19,
5 2009, Stipulation and Order;

6 The parties through their respective counsel hereby stipulate to and respectfully request the
7 Court to order as follows:

8 The above-entitled action is continued for an additional 21 days pending the execution of a
9 formal Settlement Agreement to include a dismissal of the above-entitled action. The parties shall
10 notify the Court by July 31, 2009, of the status of the litigation if no dismissal of the action is filed
11 by that date.

12 By her signature below, counsel for defendants attests that counsel for plaintiffs concurs in
13 the filing of this document.

1 Dated: July 9, 2009

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THE REGENTS OF THE UNIVERSITY OF

13 CALIFORNIA, ABBOTT MOLECULAR INC., and

14 ABBOTT LABORATORIES INC.

1 Dated: July 9, 2009

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GARRETT & DUNNER, L.L.P.

3 By: /s/ Tina E. Hulse

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16 Attorneys for Defendants

17 DAKO NORTH AMERICA, INC. and DAKO

18 DENMARK A/S

~~[PROPOSED]~~ ORDER

Having reviewed the parties' Status Report and pursuant to the Stipulation, good cause appearing, it is hereby ORDERED:

1. The above-entitled action is continued for an additional 21 days pending the execution of a formal Settlement Agreement to include a dismissal of the above-entitled action. The parties shall notify the Court by July 31, 2009, of the status of the litigation if no dismissal of the action is filed by that date.

IT IS SO ORDERED.

Dated: July 13, 2009

